

#### Claims 45-49

Claim 45 reads as follows:

45. A film formed by the method including the steps of:
- (a) providing a water-soluble, thermoplastic film former, wherein the film former component is at least 5 wt-% by total film weight;
  - (b) mixing the film former in a fatty alcohol component to form a mixture, wherein the fatty alcohol component is at least 10 wt-% by total film weight; and
  - (c) extruding the mixture to form a coated film, wherein the mixture is at a temperature of at least degrees 65 degrees C when extruded.

The Office Action notes that claims 45-49 are product-by-process claims and states that the process does not result in a structurally different product, and thus the process steps have been given little weight. Applicant respectfully submits that claim 45 and dependent claims 46-49 are patentable over the cited references for the reasons discussed below.

In this case, the film created by the method of claim 45 does exhibit unique properties compared to the prior art. Claim 45 specifies extrusion of a film containing a water-soluble film former and a fatty alcohol, where the fatty alcohol component is at least 10 wt-% by total film weight, and the mixture is at a temperature of at least degrees 65 degrees C when extruded. The resulting film will be thermoplastic as described in the specification of the present invention, and will include a water-soluble thermoplastic film former component that is at least 5 wt-% by total film weight and a fatty alcohol component that is at least 10 wt-% by total film weight. As discussed above, none of the cited prior art teaches a thermoplastic film with these characteristics.

Accordingly, the film created by the method of claim 45 is patentable over the prior art.

#### **Examiner Interview Summary**

On Tuesday, February 12, Applicant's undersigned representative Kate DeVries Smith, had the honor of meeting with Examiner Tristan Mahyera and Examiner Michael Woodward to discuss the issues of the first non-final office action. In particular the 103

rejection over Zerbe, Chen and Engleson was discussed. The fact that independent claims 1, 25 and 33 related to a film that is “thermoplastic” was discussed. The remarks herein with respect to these claims were discussed. Agreement was reached that the 103 rejection would be withdrawn.

Regarding the 103 rejection of claim 45, the remarks herein were discussed and it was agreed that the combination of Zerbe, Chen and Engleson does not teach a thermoplastic film. Examiner Woodward requested that a lower limit be provided for the film former element, and claim 45 has been amended to specify that the film former is at least 5 wt-% by total film weight.

Regarding the 112 rejection of claims 3 and 28, the remarks herein were discussed and it was agreed that the ranges provided in the specification would teach one of skill in the art how to practice claims 3 and 28, if it were verified with an inventor that inclusion of any fatty alcohol at the amounts specified in these ranges and examples would result in a film that would change from a solid to a liquid within a temperature range of 20 °C or less. Applicant’s representative has so verified.

**Conclusion**

The Examiner is respectfully requested to contact the undersigned by telephone at 612.746.4784 or by E-mail at kds@pdsdlaw.com with any questions or comments.

Respectfully submitted,

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